

**FILED
UNDER
SEAL**

Prob12C
D/NV Form
Rev. March 2017

United States District Court
for
the District of Nevada

PETITION FOR WARRANT
FOR OFFENDER UNDER SUPERVISION

Name of Offender: **Kevin Eppenger**

Case Number: **2:11CR00412**

Name of Sentencing Judicial Officer: **Honorable Lloyd D. George**

Date of Original Sentence: **June 17, 2013**

Original Offense: **Felon in Possession of Ammunition**

Original Sentence: **41 Months prison, followed by 36 Months TSR**

Date Supervision Commenced: **July 6, 2018**

Name of Assigned Judicial Officer: **Honorable Kent J. Dawson**

PETITIONING THE COURT

☒ To issue a warrant.

The probation officer believes the offender has violated the following condition(s) of supervision:

1. **Refrain From Unlawful Use of Controlled Substance** - The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as determined by the court, not to exceed 104 tests annually. Revocation is mandatory for refusal to comply.

On May 26th, 29th, June 22nd, June 23rd, June 25th, 2019, Eppenger submitted random urine samples which tested positive for marijuana as confirmed by the national laboratory. An interpretation report indicated Eppenger reused marijuana prior to the collections on May 29th, June 23rd, and June 25, 2019.

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On May 29, 2019, Eppenger reported to the U.S. Probation Office and was confronted as to his drug usage on May 26, 2019. Eppenger stated he had used on the Memorial Day weekend as he had family come in from Texas. Eppenger signed a document admitting to having used on or about May 26, 2019 and May 29, 2019.

2. **Follow Instructions Of Probation Officer** - You must follow the instructions of the probation officer related to the conditions of supervision.

On July 12, 2019, this writer conducted an unannounced home visit. There was no one at the residence and no contact was established. This writer left a notice of home visit with instructions for Eppenger to report to the U.S. Probation Office on July 15, 2019, at 9:00 A.M. Eppenger failed to report as instructed.

Another attempt to contact Eppenger was made via telephone; however, the number had been disconnected.

3. **Report Change of Residence or Employment** - The defendant shall notify the probation officer prior to any change in residence or employment.

On July 2, 2019, this writer spoke with Eppenger's girlfriend and was advised he was no longer living in her residence. They reportedly had an argument as he had been fired from his job and that he had used drugs. He left the residence and she did not know where he was; however, she said she would probably see him and would ask him to report to the United States Probation Office. To date, Eppenger has failed to report a change in residence.

On July 11, 2019, this writer spoke to Eppenger's employer and was advised that Eppenger was no longer working with them. He had been fired for illegally using codes to place orders. Eppenger also failed to report this change in employment in a timely manner.

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4. **Substance Abuse Treatment** - You shall participate in and successfully complete a substance abuse treatment and/or cognitive based life skills program, which will include drug/alcohol testing and/or outpatient counseling, as approved and directed by the probation office. You shall refrain from the use and possession of beer, wine, liquor, and other forms of intoxicants while participating in substance abuse treatment. Further, you shall be required to contribute to the costs of services for such treatment, as approved and directed by the probation office based upon your ability to pay.

Eppenger failed to submit random drug tests on June 28th, July 1st, 5th, 8th, 13th, and 20th, 2019.

On September 10, 2018, Eppenger was evaluated at Bridge Counseling and due to his statements; he was not recommended for treatment. On November 28, 2018, after two positives tests for marijuana, he was re-evaluated and scheduled for counseling services. Since commencing treatment, Eppenger has failed to attend his sessions consistently. He has missed the following sessions either by not showing up or by his cancellation: December 24, 2018; January 21, 2019; March 4, 2019; April 1, 2019; April 29, 2019; May 06, 2019; May 13, 2019; June 10, 2019; June 24, 2019; July 02, 2019; and July 08, 2019.


U.S. Probation Officer Recommendation:

The term of supervision should be:

☒ Revoked


I declare under penalty of perjury that the information contained herein is true and correct,

Executed on **July 23, 2019**


Margarita Hernandez
Powell
2019.07.24 15:53:18
-07'00'

Margarita Hernandez Powell
United States Probation Officer

Approved:


Brian Blevins
2019.07.24
15:16:20 -07'00'

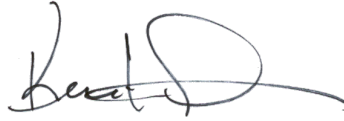
Brian Blevins
Supervisory United States Probation Officer

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THE COURT ORDERS

- ☐ No Action.
- ☒ The issuance of a warrant.
- ☐ The issuance of a summons.
- ☐ Other:



Signature of Judicial Officer

July 24, 2019

Date

RE: Kevin Eppenger

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**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA
UNITED STATES V. KEVIN EPPENGER, 2:11CR00412**

**SUMMARY IN SUPPORT OF PETITION FOR WARRANT
July 23, 2019**

By way of case history, Kevin Eppenger was sentenced by the Honorable Lloyd D. George to forty-one (41) months in custody followed by three (3) years of supervised release, for having committed the offense of Felon in Possession of Ammunition.

On December 26, 2018, A Petition for Warrant in this case was submitted to the Court informing of Eppenger's non-compliance as it related to his testing positive for marijuana on September 24, 2018 and November 9, 2018. It was also alleged he failed to submit a drug test on September 9, 2018, September 13, 2018, and November 8, 2018. Lastly, it was alleged that on December 9, 2018, he committed subterfuge to avoid detection for drug use.

On January 4, 2019, Eppenger made an Initial Appearance before the Honorable Cam Ferenbach, United States Magistrate Judge. At the conclusion of that hearing, Eppenger was released and ordered to comply with his original conditions, along with the additional condition of location monitoring. Eppenger's Revocation Hearing was subsequently set for January 30, 2019, before the Honorable Kent Dawson, Senior United States District Court Judge.

On January 16, 2019, a second Petition for a Warrant for Eppenger's arrest was submitted to the Court, informing of Eppenger's continued non-compliance. In that petition, it was alleged that on January 12, 2019, he failed to produce a valid urine specimen, and on January 14, 2019, he again attempted to commit subterfuge to avoid detection of drug use. It was further alleged he failed to abide by the location monitoring requirements on January 11, 12, and 13, 2019. A Federal warrant for his arrest was issued on January 23, 2019.

On January 23, 2019, Eppenger reported in person to the United States Probation Office and submitted another confirmed positive drug test for marijuana. On that same date, he was placed under arrest by the United States Marshals. On January 24, 2019, he appeared before the Honorable George W. Foley, Jr., United States Magistrate Judge, for an Initial Appearance. At the conclusion of this hearing, Eppenger was again released with the same conditions and ordered to appear for a Revocation Hearing before the Honorable Kent Dawson, Senior United States District Court Judge, on January 30, 2018.

On January 30, 2019, Eppenger appeared before the Honorable Kent J. Dawson, Senior United States Magistrate Judge for a Revocation Hearing. At the conclusion of this hearing, the defendant was found in violation of Supervised Release as it related to both petitions as detailed above. On April 30, 2019, Eppenger was continued under the previous terms of supervised release.


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Lastly, as reflected by this petition, Eppenger, continues to violate his conditions of supervised release. Even after the Court allowed him to continue under supervision, he continues to disregard the Courts orders. It is abundantly clear that intervention attempts have failed as Eppenger continues to violate the Court's order by way of his continuous drug usage, failure to follow USPO's instructions, failure to report and advise of his whereabouts, and failure to participate in substance abuse treatment and testing.


In light of the aforementioned new violations, coupled with recently being found in violation of his release conditions, it is clear Eppenger does not take the Court's order seriously. The undersigned respectfully requests a warrant to be issued for Eppenger's arrest pending his revocation proceedings and that he be held in custody until his hearing before the District Judge.

Respectfully submitted,

 Margarita Hernandez
Powell
2019.07.24 15:53:39
-07'00'

Margarita Hernandez Powell
United States Probation Officer

Approved:

 Brian Blevins
2019.07.24
15:16:43 -07'00'

Brian Blevins
Supervisory United States Probation Officer